

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Brian K. Berry,)	
)	C/A No: 5:13-cv-00736-DCN-KDW
Plaintiff,)	
)	
v.)	
)	Report and Recommendation
Dr. Tomarchio, SCDC Official,)	
)	
Defendant.)	
)	
)	
)	

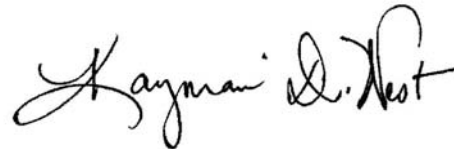
Plaintiff, proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. This matter is before the court on Plaintiff’s Motion for Preliminary Injunction and Temporary Restraining Order (TRO). ECF No. 26. Pursuant to 28 U.S.C. § 636(b)(1)(B), and Local Rule 73.02(B)(2)(e), D.S.C., this magistrate judge is authorized to review pretrial matters in cases involving pro se litigants and submit findings and recommendations to the district court.

In his motion for preliminary injunction and TRO, Plaintiff asks that the “court order [South Carolina Department of Corrections] officials to stop harassing and false charging [him].” ECF No. 26. Plaintiff contends that they are “doing these things to slow [him] down and to discourage [him] so [he] would stop doing [his] case.” *Id.* “[P]reliminary injunctions are extraordinary remedies involving the exercise of very far-reaching power to be granted only sparingly and in limited circumstances.” *MicroStrategy Inc. v. Motorola, Inc.*, 245 F.3d 335, 339 (4th Cir. 2001) (internal citations and quotation marks omitted). “A plaintiff seeking

a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Natural Res. Def. Council*, 555 U.S. 7, 20 (2008).

The undersigned finds Plaintiff’s motion for injunctive relief must fail and recommends denying his motion. Plaintiff only generally claims he should receive the requested equitable relief. He does not discuss any of the factors *Winter* requires that he prove. He has not explained the irreparable harm he believes he will suffer absent the relief, nor has he shown that he is likely to succeed on the merits. Further, he does not reference the public interest at all. Plaintiff has failed to establish the elements necessary to demonstrate the need for a preliminary injunction. Based on the foregoing, it is recommended that Plaintiff’s motion for a preliminary injunction and TRO, ECF No. 26, be denied.

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

July 18, 2013
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**